

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

UNITED STATES OF AMERICA

v.

SHAROD THOMAS

Crim. No. 12-378 (RMB)

MEMORANDUM

BUMB, UNITED STATES DISTRICT JUDGE:

This matter comes before the Court upon Defendant's pro se a motion for reduction of sentence filed [Docket No. 93]. Defendant seeks a reduction of his sentence by two levels pursuant to 18 U.S.C. § 3582 and Amendment 782 to the United States Sentencing Guidelines ("U.S.S.G.").

On April 25, 2015, this Court sentenced Defendant to a term of 250 months on the charges of Possession of a Firearm After Felony Conviction, Possession With Intent to Distribute Heroin; and Possession of a Firearm in Furtherance of a Drug Trafficking Offense. The applicable Sentencing Guideline range, per U.S.S.G. § 4B1.1, was 360 months to life, but the Court varied downward.

Section 3582(c)(2) sets forth the analysis to be used in reducing an imposed term of imprisonment as a result of the Sentencing Commission's reduction in the advisory guideline

range pursuant to 28 U.S.C. § 994(o). Specifically, Section 3582(c)(2) states that a district court may, upon consideration of the factors in 18 U.S.C. § 3553(a), reduce a defendant's sentence in light of a subsequent reduction in the applicable guideline range, if doing so is consistent with the applicable policy statements of the Sentencing Commission. See 18 U.S.C. § 3582(c)(2).

Under U.S.S.G. § 1B1.10, a defendant is eligible for a sentence reduction if the amendment is applicable to the defendant. Here, the Court sentenced Defendant as a career offender under U.S.S.G. § 4B1.1, which raised the total adjusted offense level higher than what was otherwise applicable. Defendant's sentence was not calculated pursuant to U.S.S.G. § 2D1.1 which was altered by Amendment 782. Accordingly, Defendant is not eligible for a sentence reduction under 18 U.S.C. § 3582(c). Defendant's Motion is DENIED.

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE

Dated: October 6, 2017